

Amendments to the Drawings:

None

REMARKS/ARGUMENTS

Claims 3 and 9 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Claims 3 and 9 were amended to overcome the indefinite rejection.

Claims 1-12 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,605,540 in view of Chao.

Claims 1-3 stand rejected under 35 U.S.C. 102(e) as being anticipated by Chao; claims 7-9 stand rejected under 35 U.S.C. 102(e) as being anticipated by Chao; claims 4, 5, 10, and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chao in view of Krishnaraj; claims 6 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chao in view of Cheung.

Independent claims 1 and 7 were amended to include the limitation of forming an anti-reflective (silicon oxynitride) coating layer over said second dielectric layer prior to etching of a first trench. The benefits of this method are presented in the disclosure. The Chao reference, in Figure 3, describes forming the silicon oxynitride layer 30 in the first trench 34 after the first trench is etched. The limitation of forming the anti-reflective layer prior to the etching of the first trench is not described in the Chao reference and amended claims 1 and 7 are therefore allowable over the Chao reference under 35 U.S.C. 102.

As described above, the Chao reference does not described forming the antireflective layer prior to the etching of the first trench. In addition, the Chao reference does not describe etching to a specific depth. In col.7, lines 20-31, the Chao reference described using a etch stop process to stop the etching in the first IMD layer. This is not a "specific" depth as required by the claims in question. The trench etch process must

stop somewhere in the stack. The Chao reference describes a process that stops somewhere in the first IMD layer rather than a specific depth of the first trench. The Chao reference cannot therefore be properly combined with the 6,605,540 as described by the examiner and the rejection of claims 1-2 under the judicially created doctrine of obviousness-type double patenting is improper.

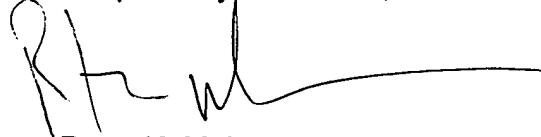
Finally claims 2-6 and 8-12 depend on independent claims 1 and 7 and therefore contain all the limitations of the independent claims. Claims 2-6 and 8-12 are therefore allowable over the Chao reference either singly or in combination with the Krishnaraj; and/or Cheung reference since neither of these references describe forming an anti-reflective layer as required by claims 1 and 7.

In light of the above, it is respectfully submitted that the present application is in condition for allowance, and notice to that effect is respectfully requested.

While it is believed that the instant response places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned in order to expeditiously resolve any outstanding issues.

To the extent necessary, Applicants petition for an Extension of Time under 37 CFR 1.136. Please charge any fees in connection with the filing of this paper, including extension of time fees, to the deposit account of Texas Instruments Incorporated, Account No. 20-0668.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter K. McLarty', with a long horizontal flourish extending to the right.

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